

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**CHELSEA L. DAVIS,**

**Plaintiff,**

**vs.**

**SAMUEL F. BAXTER,**

**Defendant.**

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**CIVIL ACTION NO. \_\_\_\_\_**

**DEFENDANT'S NOTICE OF REMOVAL**

Pursuant to Fed. R. Civ. P. 81 and Local Rule CV-81, Defendant, Samuel F. Baxter, files this Notice of Removal under 28 U.S.C. §1446(a).

**A.**

**INTRODUCTION - LIST OF PARTIES AND COUNSEL**

1. Plaintiff is Chelsea L. Davis. Defendant is Samuel F. Baxter.
2. Plaintiff is pro se, State Bar No. 24059652, and her contact information is 25 Highland Park Vlg., Ste. 100-830, Dallas, Texas 75206, Telephone: 469-426-5850. Counsel for Samuel F. Baxter are Richard M. Abernathy, State Bar No. 00809500, and Ross Wells, State Bar No. 24047087, Abernathy, Roeder, Boyd & Joplin, P.C., 1700 Redbud Blvd., Suite 300, McKinney, Texas 75069-1210, Telephone: 214-544-4000.
3. Plaintiff filed suit against Defendant on August 27, 2013 in Texas State District Court in Collin County, Texas. The state court's address is 2100 Bloomdale Road, Suite 10030, McKinney, Texas 75071.
4. Defendant was served with the citation and original petition in this matter on August 28, 2013. This Notice of Removal is filed within 30 days of Defendant's receipt of the petition and citation and is timely filed pursuant to 28 U.S.C. §1446(b).

**B.**  
**BASIS FOR REMOVAL**

5. Removal is proper because Plaintiff's suit arises out of federal law. 28 U.S.C. §§1331, 1441(b). Specifically, Plaintiff asserts a claim under the Trafficking Victims Protection Act, 18 USC § 1595, for Human Trafficking. Human Trafficking is not a recognized cause of action under Texas state law. The Trafficking Victims Protection Act, however, provides a civil remedy for the allegations Plaintiff Davis has made in her Human Trafficking claim. 18 USC §§ 1591 and 1595. The Trafficking Victims Protection Act requires that suit be filed "in an appropriate district court of the United States...." 18 USC § 1595.

6. Copies of all pleadings, process, orders and other filings in the state court suit are attached to this notice as required by 28 U.S.C. §1446(a). Plaintiff Davis's claims are subject to a valid, enforceable arbitration agreement and Defendant intends to seek to compel arbitration of this matter.

7. Venue is proper in this District under 28 U.S.C. §1446(a) because the state court where the suit has been pending is located in this district.

8. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

**C.**  
**NO JURY DEMAND**

9. Plaintiff did not demand a jury in the state court case. Defendant has not demanded a jury trial in the state court case either.

**D.**  
**CONCLUSION**

10. Removal of this case is proper because it arises under federal law.

Respectfully submitted,

ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.

By: /Ross Wells/

**Richard M. Abernathy**

State Bar No. 00809500

**Ross Wells**

State Bar No. 24047087

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McKinney, Texas 75069

(214) 544-4000 Telephone

(214) 544-4040 Facsimile

**ATTORNEYS FOR DEFENDANT**

**SAMUEL F. BAXTER**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing was served on the 9<sup>th</sup> day of September 2013 to the following via certified mail, return receipt requested:

Chelsea L. Davis

25 Highland Park Vlg., Ste. 100-830

Dallas, Texas 75205

Facsimile: (972) 803-3576

/Ross Wells/